THE HONOURABLE SRI JUSTIVE C.V. RAMULU

WRIT PETITION NO. 5684 OF 2002

DATED: 18-12-2006

BETWEEN:

Pacha Venkata Subba Naidu
S/o. Late P. Vengama Naidu

… Petitioner

And
The Manager-cum-Chairman of the
Settlement Committee under
One time Settlement Scheme,
Nellore District Co.operative Central
Bank Ltd., Gudur Branch, Gudur and
Four others

… Respondents

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WRIT PETITION NO. 5684 OF 2002

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondent in auctioning the petitioner's land mentioned in schedule appended to Form No.9 dated 25-01-2002 in connection with E.P.No.390/98-99 ignoring the application of the petitioner for one time settlement under G.O.Ms.No.70, dated 22.2.2002 as arbitrary and illegal.

It appears that the petitioner obtained long term loan of Rs.17,000/- from the Land Mortgage Bank (LMB, Guduru), which was redesignated as Nellore District Cooperative Central Bank, Guduru Branch, under single window system. After borrowing the said amount, the petitioner used to pay interest as per the schedule and also repaid certain amount towards principal. He had paid the instalments regularly till 1986.

While so, the sale Officer of Guduru Branch had issued an

auction notice proposing to conduct auction in respect of the land of the petitioner along with others. Immediately, the petitioner rushed to the 4th respondent and enquired about the payment made by him and came to know that he did not make any payments and his vendee, who purchased certain lands and promised to pay the amounts, did not deposit any amounts and thereafter, the impugned notice was issued.

There is no necessity to go into all the details. In view of the interim orders passed by this Court on 28-03-2002, the petitioner has already deposited Rs.20,000/-.

In view of the fact that no ground is made out calling for interference of the auction notice, I deem it appropriate to dismiss the writ petition while giving liberty to the petitioner to deposit the entire balance E.P. amount, if not already paid within a period of four (4) weeks from today, in default, the respondents are at liberty to proceed with the matter as per the impugned notification.

Accordingly, writ petition is dismissed with the above direction. No costs.

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18-12-2006

Rns.

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